## SPIRIT OF THE PRESS.

**Editorial Opinions of the Leading Journals Upon Current Topics—Compiled Every Day for the Evening Telegraph.**

### PERFIDY OF CONGRESS TO THE STATE OF GEORGIA.

*From the N. Y. World.*

We are aware that *perfidy* is a strong word, and nothing short of a clear case of deliberate violation of faith would provoke us to apply it to the Congress of the United States. Congress passed certain acts, known by the name of the Reconstruction acts, requiring various specified conditions of the Southern States as prerequisites to their readmission. Georgia, among other States, complied with those conditions; and now Congress turns upon her and makes additional demands quite in excess of the Reconstruction acts in accordance with which seven States had been admitted to representation. We say Congress makes these additional demands, for although the bill has, as yet, only passed the Senate, there is every reason to believe that it will also pass the House before the holiday adjournment.

The chief ground of inculpation against Georgia is that her Legislature, elected in accordance with the Reconstruction acts, decided that, under the new State Constitution, negroes were not eligible to office, and expelled the negro members who had been elected to seats. There is not a line nor a syllable in any of the Reconstruction acts, nor in any of the amendments to the Constitution proposed by the radicals, requiring the eligibility of negroes to any office. All those acts and those amendments leave Georgia, and every other State, as free to exclude negroes from office as to admit them. The utmost that they require is universal negro *suffrage*, not negro office-holding. Congress, therefore, is going entirely beyond the conditions on which it promised to readmit Georgia into the Union, when it superadds to negro suffrage a demand for the eligibility of negroes to office. It not only violates a pledge, but introduces an invidious distinction by requiring of this particular State something which it has not required of any of the others. The following is one of the sections of the bill which has just passed the Senate:—

"Section 6. And be it further enacted, That it is hereby declared that the exclusion of any person or persons elected as aforesaid, and being otherwise qualified, from participation in the proceedings of said Senate or House of Representatives, upon the ground of race, color, or previous condition of servitude, would be illegal and revolutionary, and is hereby prohibited."

This requires of Georgia what has been required of no other of the reconstructed States; and being in excess of the acts under which they are reorganized, it is a plain violation of the pledge of Congress that they should all be readmitted if they complied with the prescribed conditions, which included negro suffrage but not negro office-holding.

Whether, under the Constitution of Georgia, negroes are entitled to seats in the Legislature, is a question which at least admitted of doubt, inasmuch as leading and influential radicals, in advocating the adoption of the Constitution while it was pending before the people, contended that it did not permit negroes to hold office. When the Legislature assembled, its majority took the same view, and the negro members were accordingly expelled from their seats. After their expulsion, both branches of the Legislature passed the following resolution, which was vetoed by Governor Bullock:—

"*Whereas*, It is believed that a judicial decision of the question of the colored man's right to hold office in Georgia under the constitution now in force would restore the State to her proper position in the Union and give quiet throughout the State; and whereas said question is one which the courts of the State can properly take cognizance of; and whereas we, the representatives of the people of Georgia, are unwilling that any effort should be spared on our part to bring about a state of peace and happiness to the people and a settlement of that important question; be it therefore

"*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly convened*, That a case involving the right of the colored man to hold office shall, as soon as the same can be properly brought before the Supreme Court of the State, be heard and determined by said court, and we believe that the people of the State will, as they have heretofore always done, in good faith abide the decision of the highest tribunal of the State whenever so declared."

The veto of this reasonable resolution by Governor Bullock is of little account, as no action of his could deprive it of its significance as attesting the law-abiding spirit of the Legislature. Nothing could be more fair, considerate, and loyal than this offer to submit the question to the decision of the highest judicial tribunal of the State, and to be bound by its judgment. The Chief-Justice of Georgia is a noted and active Radical, and his bias, if he had any, was against the Conservative majority of the Legislature. It was really of no importance whether Governor Bullock signed this resolution or not, since its only object was to remove an imputation on the good faith and loyalty of the Legislature, and it equally expressed their sentiments whether it was signed or vetoed. In spite of the veto, a case was actually made and carried before the Supreme Court of the State; the decision being that negroes are entitled to hold office under the State constitution. This settled the question and removed every pretext for the interference of Congress, even if Congress had a right to interfere in a matter of that kind. Whenever the present Legislature reassembles, or a new one is elected, the right of negroes to their seats will not be contested. President Grant, in his message, recommended Congress to require little more than the Legislature would voluntarily do without any constraint. The following is the part of the message relating to Georgia:—

"Seven States which passed ordinances of secession have been fully restored to their places in the Union. The eighth, Georgia, held an election, [at which she ratified her constitution, republican in form, elected a Governor, members of Congress, a State Legislature, and all other officers required. The Governor was duly installed, and the Legislature met and performed all the acts then required of them by the Reconstruction acts of Congress. Subsequently, however, in violation of the Constitution which they had just ratified, as since decided by the Supreme Court of the State, they unseated the colored members of the Legislature, and admitted to seats some members who are disqualified by the third clause of the fourteenth amendment to the Constitution, an article which they themselves had contributed to ratify. Under these circumstances I would submit to you whether it would not be wise without delay to enact a law authorizing the Governor of Georgia to convene the members originally elected to the Legislature, requiring each member to take the oath prescribed by the Reconstruction acts, and none to be admitted who are ineligible under the third clause of the fourteenth amendment."

Here is an explicit admission that the Legislature of Georgia fully complied with all the requirements of the Reconstruction acts. If their subsequent expulsion of the negro members was illegal, there would be no necessity for the intervention of Congress to redress the wrong, even if Congress had the authority, as the Legislature had agreed to abide by the decision of the Supreme Court, and that court has decided, General Grant himself states, that negroes are eligible. What he says about requiring the test-oath is equally unnecessary, for it was only the members admitted to the seats vacated by negroes that were unable to take the oath, and the mere restoration of the negroes excludes those members.

The bill which had passed the Senate goes quite beyond the recommendation of the President. It not only requires the oath and the restoration of the negroes, but the ratification of the fifteenth amendment. By the theory of Congress, Georgia is not a State in the Union, and will not be until an act is passed readmitting her. In the contemplation of Congress, then, she is in the condition of a Territory, and while in this condition she is required to ratify an amendment to the Federal Constitution. Whether Georgia is a Territory or a State, her extorted ratification will be equally nugatory and void. If she is a Territory, the ratification will be null because a Territory cannot ratify an amendment; if she is a State, the ratification will be equally null because that is an act in which a State cannot be coerced. If the Legislature of Georgia, acting under the compulsion of Congress, ratifies the fifteenth amendment, and the State should nevertheless be excluded, we suppose everybody would concede that the ratification could not be counted. But no action of Congress can make that a valid ratification which was null and worthless at the time it was given.

### THE LOTTERY POLICY WAR IN THE SUPREME COURT.

*From the N. Y. Herald.*

There is prospect of a lively time in the Supreme Court of this city over the lottery policy entanglement which has been brought there for judicial unravelling. The original parties to the policy suit are the two great captains in the lottery business of this city—Ben. Wood, of four-eleven-forty-four renown, and the Hon. John Morrissey, not unknown to fame. Whatever interest might attach to an encounter between these doughty representatives of the fortune telling, lucky dreams, odd numbers, and four-eleven-forty-four fraternity generally, is greatly enhanced by the inevitable collision it involves between two of the Judges of the Supreme Court. To the bar, and, indeed, to the general public, this latter consequence of the Wood-Morrissey imbroglio is of far deeper interest than the mere result, one way or the other, of the original quarrel.

There is a much mooted question in legal circles which of the two legal luminaries of the Supreme Court bench is likely to gain the ascendancy over the other. That there is a struggle going on for the mastery is indisputable, and that it will be carried on to a final result there is no doubt. There have been occasions when encounters which must have proved decisive were imminent, but no opportunity for advantageous attack on either side presented itself, and the event was postponed; but this Wood-Morrissey contest is likely to prove the opportunity for these distinguished and learned rivals to assert and maintain their individual claims to supremacy. The fight is already opened and the first phase of the contest is presented. Wood and Morrissey have furnished the *casus belli* and will no doubt supply the "sinews of war" so long as the action can be sustained thereby and the result remains in doubt.

It was a piece of very sharp practice, but, of course, "of a piece" with the usual tactics of the two lottery combatants that accelerated the judicial collision, all the facts connected with which have already appeared in the *Herold* in their proper place.

But the most notable feature of this lottery policy litigation is that all the parties to it come into court as violators of the law whose aid they invoke. This the two judges appealed to in the case know full well. The fundamental, the constitutional law of the State declares the dealing in any way in the lottery business a misdemeanor and punishable by fine and imprisonment, and yet John Morrissey and Ben. Wood, notorious lottery policy men, come not only into court to decide their lottery squabble, but each enlists the favor and support of a judge of the bench upon his particular side of the case, and hence the judicial snarl. This is a most barefaced prostitution of the intent of the law and a disgraceful evidence to the people who elect the judges of our courts of the degeneracy into which the holders of this high office have fallen. Surely it is time for a reform, and should a vigilance committee ever be instituted, its first effort should be directed to a cleansing process of our courts of law, from the highest in the State down to the lowest.

### THE ALABAMA CLAIMS THROWN AWAY IN ORDER TO SAVE SPAIN.

*From the N. Y. Sun.*

The fact is not generally known that Mr. Secretary Fish has just caused negotiations upon the Alabama claims to be opened anew, and that he will proceed on the basis laid down in Mr. Sumner's speech. This is apparently a consideration which Mr. Sumner receives from our Spanish Secretary for advocating the cause of Spain and the maintenance of slavery and the slave trade against the republicans of Cuba; and a valuable consideration it is—almost as valuable as that which Benedict Arnold was to receive for surrendering West Point. But as in his endeavor to serve his new masters Benedict Arnold went too far, and lost the great prize he was playing for, so in their zeal to serve the base despots of Spain Mr. Fish and Mr. Sumner have themselves nullified one of the chief objects which they hoped to gain by the sacrifice of their country's honor. They have thrown away the Alabama claims by letting the Spanish gunboats go.

The reasons why Mr. Sumner and Mr. Fish propose to exact indemnity from England for the damage down by the Alabama are two. The first is that England showed ill-feeling towards the United States by a premature allowance of belligerent rights to the Southern Confederacy; the second, that she did not exercise due vigilance in enforcing her own neutrality law, and preventing the Alabama from going to sea. That is the whole of our case against England.

The first of these reasons is Mr. Sumner's peculiar invention. There is nothing in it. It is absurd. It is even silly. And it is abandoned indeed, and exploded in the argument of that part of the President's message which treats the question of allowing belligerent rights to Cuba. The doctrine is there asserted that it is the province of a government to determine at what time it will allow such rights to any insurgent colony or district, and that it is not to be considered an act of hostility towards the parent country or the power hitherto sovereign. This argument is a complete justification of England's recognition of the Confederacy; and if the Secretary of State had possessed a little more intelligence, he would never have thought, after the message was published, of attempting to make that recognition a ground for his new demand upon England.

The second of the two reasons—the want of due vigilance on the part of the British authorities in enforcing their own neutrality law, and in preventing the escape of the Alabama—is a valid and sensible reason, and was effectively admitted by England in the treaty which the Senate rejected last spring. The English neutrality law required that England should not furnish vessels to either party in our civil war. The Alabama was furnished to the Confederacy in violation of that law, and we may accordingly call upon England to pay for the mischief which the Alabama did. But as General Grant's message swept away Mr. Sumner's silly reason, so the subserviency of the administration to the Spanish despots has swept away the sensible reason; and thus the new negotiations which Mr. Fish is beginning are left without a leg to stand upon.

By permitting the Spanish gunboats to go to sea, notwithstanding the protest put in by the representatives of Cuba, we flout in the face our law of neutrality, and furnish war vessels to one of the parties in a civil war, openly and ostentatiously. The British Government can plead that it was by stealth and evasion that the Alabama violated the English neutrality law, and got to sea; but that we, under similar circumstances, have sent out thirty Alabamas in broad day, and with the undisguised co-operation of both our courts and our Executive. Our neutrality law perfectly covers the case of the Cuban republic, and binds both courts and Executive not to suffer either party to the civil war now raging in Cuba to procure war vessels or to enlist soldiers in this country. By deliberately and conspicuously violating this law in the case of the gunboats, and by allowing men to be openly enlisted here for the Spanish service, we have deprived ourselves of the only real ground for exacting pay from England for the Alabama claims. Thus, in Mr. Fish's blind and unintelligent zeal to serve Spain, and in Mr. Sumner's jealous haste to sacrifice everything, no matter how sacred, that in his opinion might compromise the Alabama claims, they have actually thrown those claims away! Thus we stand before the world as betraying the cause of liberty, siding with the basest European despotism against our own friends and neighbors, and doing our best to maintain slavery and the slave trade in North America, and as sacrificing millions upon millions in order that we might cover ourselves with this indescribable shame.

### CATHOLIC LESSON FOR PROTESTANTS.

*From the N. Y. Nation.*

There is one instructive feature of the Œcumenical Council, to which, however, it would perhaps be useless to draw the attention of anybody but Protestants; and that is, the striking illustration it offers of the power of organization. Catholics, of course, will not be persuaded that the force which enables an old and not very able priest to summon from the four quarters of the globe an assembly whose decisions the greater portion of Christendom will regard as the direct utterances of Divine wisdom, and a dozen sovereigns are looking for with real anxiety, does not emanate directly, and as it were miraculously, from the Almighty himself. But Protestants, whatever they may think of Romish doctrines, have long been satisfied, and with abundant reason, that the organization known as the Roman Catholic Church, such as we see it, with its great clerical army, its elaborate yet skilful discipline, its wonderful power of using all kinds and conditions of men for its own advancement, of adapting itself to all stages of civilization and all varieties of manners and antecedents, of bringing learned and simple, proud and humble, to kneel before its altars with a forgetfulness of worldly distinctions which the Protestant sects all preach, and sigh, and pray for, but have never been able to bring about, is simply a legacy bequeathed to the modern world by the Roman empire. Mr. Maine has pointed out, in the closing chapter of his great work, the influence which was exercised on the doctrines of the Latin Church by the Roman lawyers, into whose practised and cunning hands the moulding of the ecclesiastical organization naturally passed, or, at all events, from whose minds and methods the Church naturally received a powerful impress after it had emerged from the Catacombs and become the religion of the State. It was from them, too, that the clergy undoubtedly learned the art which they have never since lost—the art of government, the art which enabled them to build up on the ruins of the political empire, and without any other materials than savages and slaves, that splendid spiritual empire which, because it is spiritual, is perhaps the greatest glory of the human race, and whose wonderful passage through fifteen hundred years of storm and change, the oldest, proudest, and, all things considered, most powerful of existing institutions, the Œcumenical Council meets to celebrate.

Now, the thing which distinguishes the Latin Church to-day from the Greek Church, and which distinguishes it from all the sects which have broken off from it, which makes it a sovereign power treating on equal terms with secular governments, instead of being a mere State institution for the spread of religious instruction, or an obscure association of believers for worship and mutual edification, is, undoubtedly, that it has from the beginning been managed by jurists, or men thoroughly permeated by the judicial spirit. Mere theologians, or mere moralists, or mere politicians, would have made shipwreck of the Church as an organization long before the ninth century. The Christian religion they no doubt would have preserved—that had foundations to which the Roman lawyers could make no additions; but the Catholic Church, as we now see and know it, could never have passed through the Dark Ages and come down to our time if there had not always remained at its head a body of men who had inherited the great traditions of the Roman bar, its knowledge of human nature, its sagacity, its subtlety, its faith in human reason, and, above all, in cultivated human reason, as a controller and director of the affairs of men.

It is very certain, as it seems to us, that "the army of progress" may learn a good deal from that venerable and, as many think, effete organization, the Church. Human character has, within historic times, undergone considerable modification; but the constitution of the human mind remains and will remain the same as long as the race lasts. Knowledge will always be power; reason will always, in the long run, govern the affairs of men. Its doing so is one of the lines by which Providence has separated man from the brute. Human society is the most delicate of all pieces of God's handiwork; more delicate by far, even, to him who considers it aright, than the human body; and the power, the longevity, the influence for good, the share in carrying the world on to that golden age for which, whether as the Kingdom of God or the Good Estate, so many generatons have sighed and have yet to sigh, which may be attributed to any one community, will always depend on the amount of cultivated reason it contains, which it brings to the conduct of its business. For communities which deliver themselves over to vain babblers, and potterers, and ignoramuses, and believe that the heights of heaven can be scaled by much speaking, there is clearly no lasting place, no great or illustrious destiny, reserved in this world of ours as at present ordered.

### BUTLER ON GREELEY.

*From the N. Y. Herald.*

Greeley, with his customary and obtrusive faith in his own fancies, lately made a rush at Ben Butler with evident resolve to hold him up to more or less opprobrium as the head and front of what Greeley calls the policy of vengeance in the Republican party. Butler was nothing loath to be brought out, and his reply is a rasping one for the statesman of all the "isms." It takes the form of an impeachment of Greeley for the evils that have been brought about by a party following too much his false lead. Butler believes that there ought to have been some good old-fashioned hanging of traitors just after the war, and argues cogently that all the greater evils that have beset reconstruction are due to the ill-judged lenity then shown. Had the master Rebels been hanged, says Butler, then "at this day all matters in the Rebel States which now disturb public peace would have been settled, and quiet, commercial prosperity, agricultural industry, emigration of labor and capital, and a revivification of every beneficent enterprise would have filled the Southern country, and every insurgent State would have long ere this been readmitted into the Union, the scars and wounds upon society caused by the war would have healed over and been forgotten, and the country been more united in sentiment than ever before, and long since renewed that career of prosperity and glory to which it is destined." Perhaps it is a great deal to expect all that from the use of the rope. For this grand defeat of justice, so momentous in its consequences, Butler holds Greeley in the greatest degree responsible as the man who, by bailing Jeff. Davis, set up a false, maudlin notion of humanity in the place of justice.

This is the first point in Butler's bill. The next is the present condition of the State of Georgia. Here, as Butler points out, Greeley doctrines have prevailed, and here reconstruction is in such a condition that it must be all done over again. It is the same in Tennessee, and will be the same in every Southern State if the doctrines of the philosopher shall be acted upon rather than the doctrines and views of those he is disposed to vilify because they do not agree with him.

All this is of interest to the public mainly as showing how inevitably all of Greeley's political associates, sooner or later, find out what a humbug he is. Butler now adds his testimony to that which was given by Mr. Seward when the great firm of Seward, Weed & Greeley was broken up. But there is this further consideration for the public:—If it is now so plain that Greeley's influence in the Republican party has been so disastrous to the country on these points, are there not some other points in which he has done equal or greater harm, and which touch the very origin of the clamor in which that party rose?

### REPEATERS REORGANIZING THE REPUBLICAN PARTY.

*From the N. Y. Sun.*

The gross corruption into which our local politics have sunk has been disgustingly exhibited in the new registration of the Republican party, which was on Friday evening completed in the various wards of the city. In every ward from which we have received trustworthy reports—and we presume that the facts are alike in them all—the places of registration were thronged, on both the evenings set apart for the purpose, by gangs of professional repeaters. These men crowded up with false names, which in many cases they bore written on slips of paper to prevent mistakes, and had themselves enrolled as members of the Republican party. Real Republicans were kept away by them, unless they were well known as belonging to the faction which happened to be in force. In some cases we learn that these frauds were committed in the interest of the so-called Fenton wing of the party; in others the repeaters are said to have been in the pay of some opposing faction. However that may be, the fact is evident that this new registration, and the primary elections which are to take place under it a week from next Tuesday, are utterly corrupt and fraudulent. The General Committee which will proceed from such a source will necessarily be less worthy of respect than any of its predecessors.

If the Republicans could form here an honest organization, with honest men at its head, and carry it on for honest purposes, they might wield a great power for good. The Democracy has become little better than a vast machine for public robbery; and the Republicans, if they had sense enough and conscience enough to array themselves sternly against every variety of official thieving, would rally to their cause that immense mass of good citizens who view with anxiety and indignation the present condition of our affairs. For this great opportunity, however, they have no heart and no mind; and there is nothing to be hoped from either the ward associations or the General Committee which they are now forming. For some time past their party here has been merely a tender to the bold and unscrupulous ring at Tammany Hall; and from present appearances, that is what it will be hereafter.